

MEMORANDUM

From: Bill Harnett, Director
Air Quality Policy Division

To: EPA Regional Office Air Division Directors (see addresses below)

Subject: Process for Interstate Consultation on Regional Haze SIP and TIP Development

Purpose

The purpose of this memorandum is to provide a general overview of the collaborative process we expect States and Tribes to undertake in developing regional haze state implementation plans (SIPs) and tribal implementation plans (TIPs). We see the attached timeline as a basic overview of the collaborative process. Please note that these time frames are approximate and may vary depending on differing SIP or TIP development processes. Please share this outline with your States and Tribes and RPOs, as you see fit.

Background

As you know, during the fall of 2005 we worked closely with your staffs in developing a draft guidance document addressing the process for making reasonable progress in regional haze SIPs and TIPs. We released the draft guidance document in late November 2005, received comment from a variety of stakeholders, and have shared those comments with your staff. The regional haze rule requires a significant level of consultation among States and Tribes and federal land managers (FLMs) during SIP or TIP development, which has been occurring within the regional planning organization (RPO) process for some time. Although consultation was not discussed in the draft guidance document, the comments we received from States and RPOs highlighted a desire for EPA provide more detail on the level of consultation that we expect between now and December 2007, when SIPs are due.

Under the regional haze rule, the requirement for States and Tribes to consult with each other and the FLMs is independent of other SIP or TIP requirements. Most of the major activities needed to complete the SIPs and TIPs are similar across States, Tribes and RPOs, including development of emission inventories, modeling, and contribution assessment across sources. This is true regardless of the fact that some States and Tribes do not have class I areas within their borders, as all States do have sources within their border that contribute to visibility impairment at class I areas. Therefore, all States (and Tribes choosing to do TIPs) need to be thinking about the timeframes within which specific work needs to be completed. Additionally, on an ongoing basis RPOs should be both providing to States and Tribes, and discussing with States and Tribes, updates and summaries of any work in process such as the development of baselines and natural conditions, inventories, modeling efforts, and contribution assessments.

While we recognize that it is not possible to craft a “one-size-fits-all” consultation process that will work for all States, Tribes and RPOs, this memorandum provides a broad outline of the level of consultation that we believe would be appropriate through the different stages of the SIP or TIP development process. We have worked closely with your staffs in developing this memo and have addressed critical and time-sensitive activities identified by your staffs. In addition, while there is a formal consultative process for regional haze SIPs and TIPs required under the Clean Air Act, we strongly encourage frequent informal discussions as well, as we believe frequent discussion will be critical to the eventual success of the regional haze program.

attachment

cc: [EPA Regional Office Air Division Directors]

ATTACHMENT

**STEPS NEEDED FOR INTERSTATE CONSULTATION ON SIP or TIP
DEVELOPMENT FOR EACH CLASS I AREA**

Summer to early fall 2006:

1. Develop baseline visibility conditions for 2000-2004 and uniform rate of progress (RPO modeling)
 - Identify pollutants contributing to visibility on 20% worst and best days (e.g., back trajectories and residence time, etc)
 - Identify probable source areas (e.g., states, tribes, RPOs, other geographical areas, emission categories or industrial groups, etc.)
 - Apportion contributions from individual states
 - Develop initial cut at reasonable progress goal (RPG)

Summer to early fall 2006:

- 1a. Begin to ID issues for consultation across States and Tribes
- 1b. Develop and share plan for consultation on specific issues with states contributing to the Class I area and FLMs. Plan should address:
 - items to be discussed;
 - action items;
 - issues needing EPA and/or FLM input.Plan should lay out:
 - actions to be taken, such as efforts to use RPOs to effect resolutions, etc.
 - timetables for issue resolution.

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Late 2006 through early 2007:

2. Initiate collaboration with States and Tribes affecting the class I area. Develop a consultation log for future updates to document consultation meetings/calls.
 - Discuss and coordinate results of contribution assessments, RPGs.
 - Follow established consultation plan (see 1b. above).
 - Consult with FLM (within framework of RPO process? - or through other process or forum if States or Tribes deems more workable or appropriate).
 - Note areas of irreconcilable disagreement
 - Bring any remaining disagreements forward to EPA.

Early Spring 2007:

3. Develop long term strategy (LTS) with emission management strategies/ emission reduction requirements in light of statutory factors (see guidance).

- For example, evaluate and identify sources upwind of Class I areas and within the highest probability source categories (BART and non-BART sources, CAIR/CAMR, other) and source categories with greatest emission profiles.
- Discuss and coordinate initial emission management strategies/ emission reduction requirements.
- Follow established consultation plan (see 1b. above).
- Consult with FLM (within framework of RPO process?)
- Note areas of irreconcilable disagreement
- Bring any remaining disagreements forward to EPA.

Spring 2007:

4. Negotiate changes to LTS and set final RPG
 - Emission reduction requirements / strategies
 - Emission budget discrepancies
 - Tribal impacts
 - Additional control strategies

Mid 2007:

5. Document consultation undertaken (all parties sign)
 - Who met and when: FLM, RPO, and EPA discussion
 - Outcome of consultation: issues agreed, issues disagreed, resolutions
 - Justification of LTS